

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

RENARD BRAY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-5014-CV-SW-SWH
)	
WILLIAM PIPPIN, et al.,)	
)	
Defendants.)	

ORDER

Defendants filed a Motion for Summary Judgment, doc. #41, on November 28, 2008. Plaintiff filed a response on December 31, 2007, to which defendants have replied. In their reply, defendants point out that plaintiff's opposition to the summary judgment motion fails to comply with Local Rule 56.1(a) in that the suggestions do not begin with a concise listing of material facts to which plaintiff contends there is a dispute nor does the plaintiff specifically state which of the defendants' alleged undisputed facts are in fact in dispute. Local Rule 56.1(a) provides in part:

The suggestions in support of a motion for summary judgment shall begin with a concise statement of uncontroverted material facts. Each fact shall be set forth in a separately numbered paragraph. Each fact shall be supported by reference to where in the record the fact is established. *See* Rule 56(e).

Suggestions in opposition to a motion for summary judgment shall begin with a section that contains a concise listing of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be set forth in a separate paragraph, shall refer specifically to those portions of the record upon which the opposing party relies, and, if applicable, shall state the paragraph number in movant's listing of facts that is disputed. All facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the opposing party. ...

Rule 56.1(a), Local Rules of the United States District Court for the Western District of Missouri.

Section II of defendants' suggestions in support of their motion for summary judgment lists fifteen uncontroverted material facts with a citation to those portions of the record that defendants claim support these facts. Plaintiff's response fails to comply with the Local Rules in opposing defendants' statement of uncontroverted material facts. Pursuant to the Local Rules for the Western District of Missouri, plaintiff, in his response, must specifically indicate whether he disputes each numbered fact contained in defendants' motion, and if so, provide the record citation in support of his claim that a particular fact is in dispute.

Likewise, on the first page of plaintiff's opposition, there is a reference to certain facts, but it is unclear whether plaintiff is contending these facts are undisputed. Had plaintiff set forth any additional undisputed material facts in separately numbered paragraphs, then defendants would have been required to respond to each of plaintiff's undisputed facts. Prior to ruling on the pending motion, the Court will give the plaintiff an opportunity to comply with Local Rule 56.1. However, any of the defendants' uncontroverted material facts as set forth in section II of its suggestions which are not specifically controverted by plaintiff will be deemed admitted. Therefore, it is hereby

ORDERED that plaintiff is given ten days in which to file a further opposition in compliance with Local Rule 56.1(a). It is further

ORDERED that if plaintiff files any further pleadings, defendants will be given ten days thereafter in which to respond.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE